IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 22ND JANUARY 2007 / 2ND MAGHA 1928

WP(C).No. 23411 of 2006(K)

PETITIONER:

EDWARD P.J.,
PEEJEES ELECTRICALS,
PANAKKAL HOUSE, SOUTH CHITTOOR.P.O.,
KOCHI-682 027.

BY ADV. SRI.SHAIJAN C.GEORGE
SRI.JOHN VIPIN
SMT.S.A.SHERLY

RESPONDENTS:

1. **STATE OF KERALA,**
   REP. BY THE SECRETARY TO SC/ST DEVELOPMENT DEPT.,
   SECRETARIAT, THIRUVANANTHAPURAM.

2. **THE SECRETARY TO MINOR IRRIGATION DEPT.,**
   SECRETARIAT, THIRUVANANTHAPURAM.

3. **THE DISTRICT OFFICER,**
   SC/ST DEVELOPMENT OFFICE, KAKKANADU.

4. **EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION,**
   ERNAKULAM.

5. **THE DIRECTOR,**
   DIRECTOR'S OFFICER, SC/ST DEVELOPMENT OFFICE,
   THIRUVANANTHAPURAM.

6. **ASST. ENGINEER, ELECTRICAL LI SECTION,**
   ALUVA.

BY GOVERNMENT PLEADER SRI.K.C.JOSEPH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.23411/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE TENDER SCHEDULE .

EXT.P2:- COPY OF THE ACCEPTED TENDER SCHEDULE.

EXT.P3:- COPY OF THE PASSED BILL DT.9.3.2004.

EXT.P4:- COPY OF THE NON-LIABILITY CEIRTIFICATE BY ASSISTANT ENGINEER ELECITRICAL WING LI SECTION, ALUVA DT. 20.3.02004.

.EXT.P5:- COPY OF THE LETTER 29.3.2004 .

EXT.P6:- COPY OF THE REPRESENTATION SUBMITTED ON 11.11.2005.

EXT.P7:- COPY OF THE REPRESENTATION DT.24.7.2006.

/TRUE COPY/

tss

K.BALAKRISHNAN NAIR, J.

W.P.(C).NO.23411 of 2006-K

Dated this the 22nd day of January, 2007

JUDGMENT

The petitioner has been awarded the work of erection of 30 H.P motor pump set to provide irrigation facilities to Nedumala Harijan Colony in Mazhuvannoor Panchayat. Ext.P1 is the tender notification. By Ext.P2, the petitioner's offer was accepted. He completed the work in March, 2004. Ext.P3 is the bill passed by the competent authority. The bill has been approved and transmitted by the Executive Engineer, P.W.D. to the District Scheduled Caste Development Office, Kakkanad who are releasing necessary funds, by Ext.P5 communication dated 29-3-2004. So far the amount due to the petitioner has not been released. Hence this writ petition seeking appropriate reliefs.

2. The learned Government Pleader, upon instruction, submitted that the administrative sanction for the work was given in the year 2003. But, the work was completed only in 2004. Therefore, further administrative sanction from the competent authority is necessary for releasing the amount due to the petitioner. It is also submitted that steps are being taken in this

regard and approval from the Director, SC/ST Development, Thiruvananthapuram and Secretary, SC/ST Department, Thiruvananthapuram are awaited. As soon as clearance is received, the payment due to the petitioner will be released, it is submitted.

3. The petitioner has done the work as per the work order and his bill is approved. Therefore, there is no justification for not releasing the amount due to him. If any procedural and technicalities are to be cleared, it is for the respondents to see that they are cleared. Accordingly, the writ petition is allowed. Since the amount due to the petitioner is admitted, the respondents 1 to 5 are directed to ensure that the amount due to the petitioner is released to him, within three months from the date of production of a copy of this judgment.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR,JUDGE.

MS